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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT TACOMA**

9 **DIANA AND JOSEPH BONGIOVANNI,** ) Case No.  
10 Plaintiffs, )  
11 vs. ) **COMPLAINT AND JURY DEMAND**  
12 **THE SCHREIBER LAW FIRM, LLC,** )  
13 Defendant. )  
14 )

15 **NATURE OF ACTION**

16 1. This is an action brought under the federal Fair Debt Collection Practices Act  
17 (“FDCPA”), 15 U.S.C. § 1692 *et seq.*  
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19 **JURISDICTION AND VENUE**

20 2. This Court has jurisdiction under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1331.  
21 3. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where the  
22 acts and transactions giving rise to Plaintiff’s action occurred in this district, where Plaintiffs  
23 reside in this district, and where Defendant transacts business in this district.  
24

25 **PARTIES**

26 4. Plaintiffs, Diana and Joseph Bongiovanni (“Plaintiffs”), are natural persons who  
27 at all relevant times resided in the State of Washington, County of Cowlitz, and City of  
28 Castlerock.



1           14.    Upon information and good-faith belief, Defendant did not intend to file a  
2 lawsuit against Plaintiff to collect the Debt.

3           15.    As of the date of this complaint, upon information and good-faith belief,  
4 Defendant has not initiated any legal proceedings against Plaintiffs to collect the Debt.  
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6           16.    Because the alleged Debt was settled in full, Defendant could not legally bring a  
7 lawsuit against Plaintiffs to collect the Debt.

8           17.    The phone call on or about August 16, 2013 was Defendant's initial  
9 communication with Plaintiffs regarding the Debt.  
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11           18.    Defendant did not provide Plaintiff with the notices provided by 15 U.S.C. §  
12 1692g(a) in its initial communication with Plaintiffs.

13           19.    Defendant did not send Plaintiffs a written communication containing the  
14 notices provided by 15 U.S.C. § 1692g(a) within five days after its initial communication with  
15 Plaintiffs.  
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17                                   **COUNT I**  
18                                   **VIOLATION OF 15 U.S.C. § 1692e(2)(A)**

19           20.    Plaintiffs repeat and re-allege each and every factual allegation above.

20           21.    Defendant violated 15 U.S.C. § 1692e(2)(A) by falsely representing the  
21 character, amount, or legal status of Plaintiffs' alleged debt.

22           WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- 23                   a) Adjudging that Defendant violated 15 U.S.C. § 1692e(2)(A);  
24                   b) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A),  
25                   in the amount of \$1,000.00;  
26                   c) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);  
27  
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- d) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in this action pursuant to 15 U.S.C. § 1692k(a)(3);
- e) Awarding Plaintiffs any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

**COUNT II**  
**VIOLATION OF 15 U.S.C. § 1692e(5)**

22. Plaintiffs repeat and re-allege each and every factual allegation above.

23. Defendant violated 15 U.S.C. § 1692e(5) by threatening to take an action in connection with the collection of a debt that it did not intend to take or that it could not legally take.

WHEREFORE, Plaintiffs pray for relief and judgment, as follows:

- a) Adjudging that Defendant violated 15 U.S.C. § 1692e(5);
- b) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A), in the amount of \$1,000.00;
- c) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);
- d) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in this action pursuant to 15 U.S.C. § 1692k(a)(3);
- e) Awarding Plaintiffs any pre-judgment and post-judgment interest as may be allowed under the law;
- f) Awarding such other and further relief as the Court may deem just and proper.

**COUNT III**  
**VIOLATION OF 15 U.S.C. § 1692e(10)**

24. Plaintiffs repeat and re-allege each and every factual allegation above.

1           25. Defendant violated 15 U.S.C. § 1692e(10) by using false representations or  
2 deceptive practices in connection with the collection of an alleged debt from Plaintiff.

3           WHEREFORE, Plaintiffs pray for relief and judgment, as follows:  
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- 5           a) Adjudging that Defendant violated 15 U.S.C. § 1692e(10);  
6           b) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A),  
7           in the amount of \$1,000.00;  
8           c) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);  
9           d) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in this action  
10           pursuant to 15 U.S.C. § 1692k(a)(3);  
11           e) Awarding Plaintiffs any pre-judgment and post-judgment interest as may be  
12           allowed under the law;  
13           a) Awarding such other and further relief as the Court may deem just and proper.  
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16                                   **COUNT IV**  
17                                   **VIOLATION OF 15 U.S.C. § 1692g(a)**

18           26. Plaintiffs repeat and re-allege each and every factual allegation above.

19           27. Defendant violated 15 U.S.C. § 1692g(a) by failing to provide Plaintiff with the  
20 notices required by 15 U.S.C. § 1692g(a), either in the initial communication with Plaintiff, or  
21 in writing within 5 days thereafter.

22           WHEREFORE, Plaintiffs pray for relief and judgment, as follows:  
23

- 24           a) Adjudging that Defendant violated 15 U.S.C. § 1692g(a);  
25           b) Awarding Plaintiffs statutory damages, pursuant to 15 U.S.C. § 1692k(a)(2)(A),  
26           in the amount of \$1,000.00;  
27           c) Awarding Plaintiffs actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);  
28

- 1 d) Awarding Plaintiffs reasonable attorneys' fees and costs incurred in this action  
2 pursuant to 15 U.S.C. § 1692k(a)(3);  
3  
4 e) Awarding Plaintiffs any pre-judgment and post-judgment interest as may be  
5 allowed under the law;  
6  
7 f) Awarding such other and further relief as the Court may deem just and proper.

7 **TRIAL BY JURY**

8 28. Plaintiffs are entitled to and hereby demand a trial by jury.  
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10 Respectfully submitted this 15th day of October, 2013.

11 s/Jon N. Robbins  
12 Jon N. Robbins (WSB# 28991)  
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